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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bauman et al.)
Serial No. 10/773,731) Group Art Unit: 2643
Filed: February 5, 2004) Confirmation No. 8615
For: HEARING AID SYSTEM)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Sir:

Applicant hereby petitions to make this application special because it is for an invention that is infringed by a product on the marketplace. An accompanying statement by applicant's attorney is provided. (See Attachment A).

Please charge the 37 C.F.R. §1.17(h) petition fee to Deposit Account 06-1130. If there are any fees associated with this petition, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorney.

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Petition is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. (571) 273-8300) on July 7, 2006.


H.M. Bedingfield

7/7/06
(date)

Respectfully submitted,

CANTOR COLBURN LLP

By: 

H.M. Bedingfield
Registration No. 44,530
55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

Date: July 7, 2006

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STATEMENT REGARDING PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §
1.102(d)

Sir:

The undersigned states herein that there is an infringing device actually on the market with regard to claims of the above-referenced patent application. Further, we have conducted a rigid comparison of third party hearing aids on the market, and it is our opinion that some of the claims of the above-referenced patent application are unquestionably infringed. We have a good knowledge of the pertinent prior art, which art has been made of record as of the date of this statement in an Information Disclosure Statement.

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H.M. Bedingfield

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